

DRAFT  
MINUTES OF THE CITY COUNCIL  
OF THE  
CITY OF GREENSBORO, N. C.

REGULAR MEETING

15 JUNE 1999

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office building with the following members present: Mayor Carolyn S. Allen, presiding; Councilmembers Sandra G. Carmany, Keith A. Holliday, Yvonne J. Johnson, Earl F. Jones, Nancy (Mincello) Vaughan, Robert V. Perkins, and Donald R. Vaughan. Absent: Claudette Burroughs-White, excused by action of the Council. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Susan E. Crotts, Deputy City Clerk.

The Mayor opened the meeting with a moment of silence, followed by the pledge of allegiance to the flag.

.....

The City Manager recognized Laura Mullinax, employee in the Police Department, who served as the courier for the meeting.

.....

Councilmember Carmany moved that Councilmember Claudette Burroughs-White be excused from this meeting. The motion was seconded by Councilmember Vaughan and unanimously adopted by voice vote of the Council.

.....

Councilmember Vaughan moved that Councilmember Jones be excused from this meeting. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote.

.....

The Mayor outlined the procedures for the conduct of the meeting.

.....

Councilmember Jones entered the Chamber at 6:04 p.m.

.....

Exercising the prerogative of the Chair, the Mayor requested Councilmember Perkins to read a resolution honoring the memory of the late William Kelly Phipps, a former Councilmember who had represented District 4 from 1984-1989. Councilmember Perkins noted Mr. Phipps outstanding accomplishments and contributions to the community and expressed a deep sense of loss and sympathy.

Councilmember Perkins read into the minutes and moved the adoption of the resolution. The motion was seconded by Councilmember Carmany; the resolution was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Jones, Johnson, (Mincello) Vaughan, Perkins, Vaughan. Noes: None.

81-99      RESOLUTION HONORING THE MEMORY OF THE LATE WILLIAM KELLY PHIPPS, SR.

WHEREAS, on June 8, 1999, this community lost one of its outstanding community leaders with the death of William Kelly Phipps, Sr. at the age of 72;

WHEREAS, Mr. Phipps, a Navy veteran, was a lifelong resident of Greensboro where he attended Guilford College as well as being a devoted member of the First Presbyterian Church;

WHEREAS, Phipps Exxon Friendly Shopping Center was both founded by and formerly owned by Mr. Phipps;

WHEREAS, Mr. Phipps was elected to the City Council in 1987, representing District Four until 1989;

WHEREAS, an avid outdoorsman, he enjoyed golfing, fishing and hunting while serving as a member of Guilford Masonic Lodge #656 and Elks Lodge #602;

WHEREAS, the City Council desire to express their sincere appreciation, in addition to the gratitude of our people, for his years of dedicated service rendered by William Kelly Phipps in the best interest of the City of Greensboro and its citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the City Council hereby expresses, on behalf of the citizens of Greensboro, a deep sense of loss and a feeling of respect and gratitude for the life of William Kelly Phipps.
2. That a copy of this resolution shall be delivered to the family of the Late Mr. Phipps as a symbol of the gratitude of the people of Greensboro for his many contributions to this community.

(Signed) Robbie Perkins

.....

Mayor Allen presented plaques of appreciation to retiring boards and commissions members as follows: Greensboro Housing Authority: Jerry W. Lawson; Human Relations Commission: Robert J. Finley; Library: Robert W. Hites; Greensboro Transit Authority: Sullivan Wellborn; Commission on Status of Women, E. Jackson Harrington and Annye Mae Wright. She also noted that plaques would be forwarded to the following retiring members who were unable to attend the meeting: Historic Preservation: Charles Newell; Human Relations Commission: Arthur Blumenthal; Parks & Recreation: Douglas W. Copeland, Jr. and Philip M. Segal, III. The Mayor expressed appreciation to all these volunteers who had provided major contributions to the community by serving on the various boards and commissions.

.....

Mayor Allen introduced John Hughes of the Parks and Recreation Department, who spoke to the Youth First program's awards for students between the ages of nine and nineteen, who chose to upgrade attitude, attendance, behavior and citizenship. The Mayor presented award plaques and \$500.00 savings bonds to program scholarship winners: Erin Poole of Jackson Middle School and Emmanuel Garner of Lincoln Middle School.

.....

The City Manager presented the Government Finance Officers Association's "Award of Financial Reporting Achievement" to the Finance Department and "Distinguished Budget Presentation Award" to the Budget and Evaluation Department. Rick Lusk, Finance Director; Larry Davis, Interim Budget and Evaluation Director;

and members of staff accepted the awards. The Manager praised staff for their team-work and outstanding achievements.

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance rezoning from RS-7 Residential Single Family to Conditional Use—RM-18 Residential Multifamily with use limited to a duplex and accessory uses for property located at the northeast intersection of O' Henry Boulevard and Ridgewood Avenue. She advised this matter was being heard on appeal filed by Darryl R. Artis after receiving a (7-2) vote of the Zoning Commission to recommend denial of the rezoning.

The Mayor administered the Oath to those wishing to speak to this matter.

C. Thomas Martin, Planning Department Director, provided the following staff presentation:

This request is to rezone property from RS-7 Residential Single Family to Conditional Use - RM-18 Residential Multifamily.

The RS-7 District is primarily intended to accommodate single family detached dwellings at a density of 5.0 units per acre or less.

The RM-18 District is primarily intended to accommodate multifamily uses at a density of 18.0 units per acre or less.

#### **CONDITIONAL USE CONDITIONS FOR THE REQUESTED ZONING DISTRICT**

- 1) Uses: Limited to a duplex and accessory uses.

#### **DESCRIPTION OF THE PROPERTY, SURROUNDING LAND USE AND ZONING**

This property consists of approximately 0.3 acre and is located at the northeast intersection of O. Henry Boulevard and Ridgewood Avenue.

	<b><u>Zoning</u></b>	<b><u>Land Use</u></b>
Subject Property	RS-7	Vacant lot
North	RS-7	Single family dwelling
East	RS-7	Single family dwelling
South	RS-7	4-unit apartment building + single family dwelling
West	RS-7	U.S. 29 North corridor

Mr. Martin stated that the Zoning Commission had recommend denial of the request. He provided the following slides.

- Property proposed for CU-RM-18 located at the intersection of O' Henry Boulevard and Ridgewood Avenue.
- Looking south along O' Henry Boulevard with U.S. 29 North to the right and Ridgewood Drive intersecting on the left,
- 4 unit apartment building located at the southeast corner of Ridgewood and O' Henry zoned RS-7,
- Looking north along O' Henry and the adjacent single family dwelling to the north of the subject property.

- Looking southeast across the subject property toward Ridgewood Avenue,
- Looking eastward along Ridgewood Avenue at the single family dwellings on the south side of the street.
- Single family dwelling that is east of and adjacent to the subject property.

The Mayor asked if anyone wished to speak to this matter.

Darryl Artis, residing at 1500 North O'Henry Boulevard showed maps of the surrounding area related to zoning patterns; showed pictures of duplexes in the vicinity of the rezoning and other parts of the City; spoke to the density of the area of the proposed rezoning and other areas of the City; outlined his plans for the property; and requested Council to approve the request. Ricky Majette, residing at 1605 Ridgewood Avenue, stated that he was in favor of the rezoning based on Mr. Artis' statements.

The City Attorney reminded the Council that Mr. Artis' presentation could only be considered for illustrative purposes and could not be considered as facts for the basis of their decision.

The following speakers spoke against the rezoning: Larry Heath, residing at 2505 Cottage Place and owner of the rental property at 1526 Ridgewood Avenue; Carol Lineberry, residing at 1508 Ball Street; Mary Lindsay, residing at 1406 North O' Henry Boulevard; Cynethia Mayhand, residing at 1613 Ball Street; Don Rutschman, residing at 1607 Ridgewood Avenue; Dorothy Cockman, residing at 1530 Boone Street and Janet Jones, residing at 1511 Ridgewood Avenue. They stated neighborhood concerns regarding increased crime; police response; and trash, noise and junked car problems. Councilmembers and the City Manager spoke to actions the neighborhood residents and City staff could take to address their concerns and discussed with Mr. Artis and residents of the neighborhood details of their communications.

Mr. Martin stated that the Planning Department recommended denial of the zoning request and provided the following recommendation:

The Planning Department recommends that this request be denied. The zoning pattern of this area has remained very stable over the years. This property is in the extensive area that was rezoned from a multifamily classification to a single family designation by City Council in 1983. That comprehensive zoning action was the result of a recommendation contained in the Phillips Avenue Neighborhood Plan which was prepared at the request of the neighborhood residents and involved: 1) a series of meetings with area residents and property owners spanning 18 months, 2) a door-to-door survey of area residents to identify problems and opportunities in the neighborhood, and 3) an analysis of land use and other data by the Planning Department. In each of these activities, the extensive multifamily zoning pattern that had existed in the neighborhood was identified as a major problem. Despite the fact that this is a conditional use request, the requested zoning classification is still multifamily and approval of the request could create an adverse precedent for the neighborhood since such a rezoning would be contrary to the action that City Council took to stabilize this Community Development Target Area.

Mr. Martin stated that crime and density were both factors that could be considered in the Council's decision on the request.

Councilmember Vaughan moved that the ordinance rezoning this property to Conditional Use - RM-18 Residential Multifamily be denied based on the following findings of fact:

- 1) The location and character of the development in accordance with the proposed conditions will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs because approval of this request could establish a precedent which would be contrary to the Phillips Avenue Neighborhood Plan and its intended result to get away from multifamily zoning in this area.

The motion was seconded by Councilmember Carmany ; the ordinance was defeated on the following roll call vote: Ayes: Allen, Carmany, Holliday, Jones, Johnson, (Mincello) Vaughan, Perkins, Vaughan. Noes: None.

A copy of the ordinance as introduced and **DEFEATED** is filed in Exhibit Drawer M, Exhibit number 18, which is hereby referred to and made a part of these minutes.

.....

Councilmember Johnson left the Chamber at 7:24 p.m.

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider an ordinance amending Chapter 30 of the Greensboro Code of Ordinances with respect to Planning, Development and Zoning to permit private dormitories and single room occupancy residences to exceed 250' in length and to remove minimum frontage requirements for lots in non-residential districts fronting on the circular portion of a cul-de-sac street.

The Mayor asked if anyone wished to be heard.

Mr. Martin stated that the Planning Board and Multi Development Jurisdiction Ordinance Committee had voted in favor of the ordinance.

There being no one present to speak to the matter, Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-94

#### AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 30-4-6.2, Multifamily Districts, is hereby amended by rewriting subsection (C)1)h) to read as follows:

"No building shall exceed two hundred and fifty (250) feet in length unless it is designed for the elderly and has central facilities for dining and recreation, or unless it is a private dormitory or single room occupancy residence."

Section 2. That Table 30-4-6-5, Nonresidential Districts Dimensional Requirements, is hereby amended by adding a superscript "i" to the item "Min. Street Frontage (ft.)" and by adding a footnote to the table to read as follows:

"i Does not apply to lots on the circular portion of a cul-de-sac."

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. That this Ordinance shall become effective immediately upon adoption.

(Signed) Earl Jones

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution

authorizing on basis of public necessity widening, curb, and gutter improvements on Horsepen Creek Road from 560' south of proposed Drawbridge Parkway to 500' north of proposed Drawbridge Parkway.

The Mayor asked if anyone wished to speak to the matter.

There being no one to speak to the matter, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson (in absentia as provided for by law), Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

## H 216 RESOLUTION ORDERING THE MAKING OF CERTAIN LOCAL IMPROVEMENTS

### HORSEPEN CREEK ROAD FROM 560' S/PROPOSED DRAWBRIDGE PARKWAY TO 500'N/PROPOSED DRAWBRIDGE PARKWAY (EAST SIDE ONLY)

WHEREAS, due notice has been given that on the 15th day of June, 1999, at 6:00 p.m. in the Council Chamber in the Municipal Office Building a public hearing would be held on the improvements hereinafter described and that all objections to the legality of the making of the improvements are required by law to be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing; and

WHEREAS, the public hearing has now been held and no objections have been made to the making of the improvements;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

A. That the street or streets hereinabove set out is/are without curbs and gutters, that public necessity and interest require that said street or streets within the limits set out be widened, with curbs and gutters, and that abutting property will be benefited to the extent of the part of the cost thereof to be assessed against such abutting property.

B. That the local improvements to be made on the street or streets set out above are as follows:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on the east side with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

C. That the proportion of the cost of the improvements to be assessed against the abutting property and the terms of payment will be as provided in the Notice of Public Hearing which was served on the owners of the property to be assessed.

D. That this resolution be published one time in a newspaper published in the City of Greensboro as notice of the matters herein set out.

(Signed) Earl Jones

.....

Councilmember Johnson reentered the Chamber at 7:31 p.m.

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for widening, curb and gutter improvements for Phase 1 of Lawndale Drive from 800'(+/-) north of Regents Park Lane to City Limits (west side only) and Lawndale Drive from Beaconwood Drive to City Limits (east side only).

The Mayor asked if anyone wished to speak to this matter.

After brief discussion and there being no one present to speak to the item, Councilmember Jones moved adoption of the resolution. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

L-165 RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

PHASE I OF LAWNDAL DRIVE FROM 800± NORTH OF REGENTS PARK LANE TO CITY LIMITS (WEST SIDE ONLY) AND  
LAWNDAL DRIVE FROM BEACONWOOD DRIVE TO CITY LIMITS  
(EAST SIDE ONLY)

WHEREAS, on the 20th day of May, 1991, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on one side with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

LAKE BRANDT ROAD

Roadway Improvements From Lawndale Drive To New City Limits

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 15<sup>th</sup> day of June, 1999, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided

in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.

7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Earl Jones

.....

Mayor Allen stated that this was the time and place set for a public hearing to consider a resolution confirming assessment roll for paving, curb and gutter improvements on Lake Brandt Road from Lawndale Drive to the new City Limits widening with curb and gutter (where none now exists).

The Mayor asked if anyone wished to speak to the matter.

Van Tanner, residing at 6605 Ashton Park Drive in Oakridge and Pastor of the Kingdom in Heaven Ministries Church on Lake Brandt Road, spoke to the location and lot characteristics of the church property. He requested Council to designate this property as a corner lot and eligible for a corner lot exemption.

Several Council members noted their personal knowledge of the Church property. They requested advice from the City Attorney, who stated that Council had the authority to determine the sufficiency of the angle of the property and to designate the property as eligible for corner lot exemption.

Councilmember Vaughan moved to amend the resolution to designate the Kingdom in Heaven Church property on Lake Brandt Road as a corner lot and thus be eligible for a corner lot exemption. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of the Council.

Councilmember Vaughan moved the resolution as amended. The motion was seconded by Councilmember Johnson; the resolution was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

L-172                    RESOLUTION CONFIRMING ASSESSMENT ROLL FOR LOCAL IMPROVEMENTS

LAKE BRANDT ROAD FROM LAWNDAL DRIVE TO THE NEW CITY LIMITS WIDENING WITH CURB AND GUTTER (WHERE NONE NOW EXISTS)

WHEREAS, on the 6th day of February, 1995, the City Council of the City of Greensboro adopted a resolution ordering the making on the street or streets hereinabove set out of the following improvements:

Roadway Improvements. That the street or streets hereinabove named within the limits defined be widened on both sides with stone base asphaltic concrete surface, the widening to include grading, construction of storm sewers and necessary laterals, laying of concrete curbs and gutters, and all other work incidental to the improvements.

AND, WHEREAS, the improvements have now been completed, and the City Council has ascertained the total cost thereof and the amount that should be assessed against each lot abutting on the improvements on account of the improvements and has caused to be prepared a general plan map of the improvements, on which map is shown the frontage and location of each lot on the street or streets improved, together with the owners thereof, as far as the same can be ascertained, the plan map being marked:

LAKE BRANDT ROAD



Roadway Improvements From Lawndale Drive To New City Limits

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the total cost of the improvements is hereby designated to be the amount shown thereof on said general plan map.
2. That the City Council finds as a fact that each lot abutting on the improvements has been specially benefited by the improvements in the amount assessed against such lot as shown by the preliminary assessment roll.
3. That the general plan map is hereby confirmed at 6:00 p.m., on the 15th day of June, 1999, and is hereby made the final assessment roll for the improvements.
4. That the City Clerk is hereby directed to enter on the minutes of this council and the assessment roll the date, hour and minute of the confirmation thereof and to deliver a copy of the assessment roll to the City Tax Collector.
5. That, after the expiration of 20 days from this date, the City Clerk shall cause to be published one time in some newspaper published in the city a notice that any assessments contained in the assessment roll may be paid in full to the City Tax Collector without interest thereon at any time before the expiration of 30 days.
6. That, if the owners of the lots against which the assessments have been made do not exercise their option to pay the same in cash as hereinabove provided, then the same shall be payable in five equal installments as provided in the original resolution ordering the making of the improvements, such installments to bear interest at the rate of six percent per annum from this date.
7. That the first of the installments with interest thereon shall become due and payable on the first day of September next following the date that payments may be made without interest. One subsequent installment with interest thereon shall be due and payable on the first day of September of each successive year until the assessments have been paid in full.

(Signed) Don Vaughan

.....

Moving to the Consent Agenda, the Mayor requested a motion to approve the resolutions and motions on the Consent Agenda. Councilmember Jones moved the Consent Agenda; the motion was seconded by Councilmember Vaughan and adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello)Vaughan, Perkins and Vaughan. Noes: None.

82-99 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 1999-10 WITH SHARPE BROS., INC. FOR THE LAKE BRANDT ROAD/LAWNDALE DRIVE ROADWAY IMPROVEMENTS PROJECT

WHEREAS, after due notice, bids have been received for the Lake Brandt/Lawndale Drive roadway improvements project;

WHEREAS, Sharpe Bros., Inc., a responsible bidder, has submitted the low base and alternate bid in the total amount of \$1,418,736.90 as general contractor for Contract No. 1999-10, which bid, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the bid hereinabove mentioned submitted by Sharpe Bros., Inc. is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 431-6002-19.6014 CBR 035.

(Signed) Earl Jones

( A tabulation of bids for the roadway improvements is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

83-99      RESOLUTION AUTHORIZING AND APPROVING SETTLEMENT AGREEMENT AND MUTUAL  
RELEASE WITH RYDER/ATE

WHEREAS, on the October 7, 1996, the Greensboro Transit Authority and Ryder/ATE entered into a Management Agreement for Fixed Route Service providing for the daily fixed route services for the Greensboro Urban Area with an expiration date on or about October 7, 1999;

WHEREAS, since May 6, 1997, the Gillig Spirit Transit coaches have experienced a series of fires which have resulted in the total loss of 4 units and partial damage to 3 units leaving GTA no choice but to remove all Gillig Spirit Transit coaches from service to insure the safety of the riding public;

WHEREAS, GTA has since contracted and leased replacement vehicles from the Cities of Winston Salem, Chapel Hill and Charlotte as well as Carolina American and Ryder has agreed to reimburse GTA \$57,000.00 for the lease of these vehicles and \$70,000.00 toward the purchase of replacement vehicles;

WHEREAS, GTA and Ryder/ATE have negotiated a Settlement Agreement and Mutual Release allowing for termination of the Management Agreement on June 30, 1999, with Ryder/ATE waiving the \$137,000 sum for early termination;

WHEREAS, a Settlement Agreement and Mutual Release will benefit both GTA and Ryder/ATE as it will allow for resolution of a disputed claim;

WHEREAS, it is deemed in the best interest of the City to enter said Settlement Agreement and Mutual Release with Ryder/ATE in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That a Settlement Agreement and Mutual Release with Ryder/ATE for the termination of the Management Agreement dated October 7, 1996, is hereby approved pursuant to the authority of N.C.G.S. §160A-274 and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

( A tabulation of bids for Settlement Agreement and Mutual Release with Ryder/ATE is filed with the above resolution and is hereby referred to and made a part of these minutes.)

(Signed) Earl Jones

.....

84-99      RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 1997-19 WITH JIMMY R.  
LYNCH & SONS, INC. FOR THE LIBERTY ROAD WATER IMPROVEMENTS

WHEREAS, Contract No. 1997-19 with Jimmy R. Lynch & Sons, Inc. provides for Liberty Road Water Improvements;

WHEREAS, due to a change in design for NC-DOT's outer loop, 400 feet of the new Liberty Road Water Line was required to be relocated at the intersection of the proposed outer loop, thereby necessitating a change order in the contract in the amount of \$43,904.96.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Jimmy R. Lynch & Sons, Inc. for the Liberty Road Water Improvements is hereby authorized at a total cost of \$43,904.96, payment of said additional amount to be made from Account No. 508-7061-01.6016.001.

(Signed) Earl Jones

.....

85-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN  
PORTION OF THE PROPERTY OF T. P. PROPERTY, L.L.C., IN CONNECTION WITH THE  
REIDSVILLE WATER LINE PROJECT

WHEREAS, T. P. Property, L.L.C. is the owner of certain property located on 8017 Old Reidsville Road, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Reidsville Water Line Project;

WHEREAS, negotiations with the owner at the appraised value of \$178.87 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owner in the amount of \$178.87;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$178.87 to the Clerk of Superior Court as compensation to the owner, payment to be made from Account No. 509-7062-01.6016, CBR 001.

(Signed) Earl Jones

.....

86-99 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN  
PORTION OF THE PROPERTY OF JAMES H. GLASS, SR. AND WIFE, CAROLYN R. GLASS, IN  
CONNECTION WITH THE REIDSVILLE WATER LINE PROJECT

WHEREAS, James H. Glass, Sr., and wife, Carolyn R. Glass are the owners of certain property located on 6003 Summit Avenue, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Reidsville Water Line Project;

WHEREAS, negotiations with the owners at the appraised value of \$1,771.50 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$1,771.50;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$1,771.50 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 509-7062-01.6016, CBR 001.

(Signed) Earl Jones

.....

100-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF  
C. A. BOREN HEIRS FOR THE SOUTH BUFFALO OUTFALL PROJECT

WHEREAS, in connection with the South Buffalo Outfall Project, a portion of the property owned by C.A. Boren Heirs parallel to Patterson Street at Tax Map No. G-455-4-3 is required by the City for said Project, said property being as shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$18,205.00, which, appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owners have agreed to convey said property to the City at the appraised price, and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GREENSBORO:

That the appraisal of the above-mentioned portion of property in the amount of \$18,205.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 501-7062-01.6012 CBR 013.

(Signed) Earl Jones

.....

101-99 RESOLUTION CALLING A PUBLIC HEARING FOR JULY 6, 1999 ON THE ANNEXATION OF  
TERRITORY TO THE CORPORATE LIMITS – LOCATED SOUTH OF ALAMANCE CHURCH  
ROAD, EAST OF PONDEROSA DRIVE AND NORTHEAST OF LIBERTY ROAD – 69.023 ACRES

WHEREAS, the owner of all the hereinafter described property, which is contiguous to the City of Greensboro, has requested in writing that said property be annexed to the City of Greensboro;

WHEREAS, Chapter 160A, Section 31 of the General Statutes of North Carolina provides that territory may be annexed after notice has been given by publication one time in a newspaper of general circulation in the city;

WHEREAS, at a regular meeting of the City Council on the 17th day of November, 1998, the following ordinance was introduced:

AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED SOUTH OF ALAMANCE CHURCH ROAD, EAST OF PONDEROSA DRIVE AND NORTHEAST OF LIBERTY ROAD – 69.023 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

A parcel of land located in Gilmer/Fentress Township, Guilford County, North Carolina being more particularly described as follows:

BEGINNING at an existing iron pipe marking the northeast corner of Lot #1, Greenfield Subdivision – Map #3, block 4, as shown in Plat Book 42, Page 29, said point also being a point on the southern property line of Mt. Zion Baptist Church as recorded in Deed Book 4036, Page 1672; thence proceeding along said southern property line and the southern property line of Elijah and Carolyn Canty as described in Deed Book 3776, Page 697, South 87°04'20" East, a distance of 976.11 feet to an existing iron pipe marking a point on the western property line of Garland H. McAdoo, as described in Deed Book 2949, Page 683; thence along said western property line South 05°46'10" West a distance of 349.53 feet to an existing stone; thence along the southern property line of said Canty and the southern property line of Garland H. McAdoo as described in Deed Book 2949, page 684, South 83°55'00" East a distance of 424.00 feet to an existing iron pipe marking the northwest corner of Charles E. Sr. and Jacqueline E. Lownes as described in Deed Book 3417, Page 1369; thence along the western property line of said Lownes the following three (3) courses:

- 1) South 03°19'02" West a distance of 211.09 feet to an existing iron pipe;
- 2) South 84°15'55" East a distance of 11.34 feet to the point of curvature;
- 3) Along said arc to the left with a radius of 609.01 feet, with a chord bearing and distance of North 87° 39'07" East, 171.26'

to an existing iron pipe marking a point on the northern right-of-way line of Wilpar Drive, thence continuing across Wilpar Drive and along the western property line of Larry A. and Geneva M. Gillus as described in Deed Book 3517, Page 1460, South 17°42'02" East a distance of 307.00 feet to an existing iron pipe marking a point on the northern property line of Gerald A. and Phyllis S. Marrow as described in Deed Book 3472, Page 310; thence along said northern property line and the northern property line of Gerald A. and Phyllis S. Marrow as described in Deed Book 3413, Page 1609, North 87°47'51" West a distance of 260.19 feet to an existing iron pipe marking the most northern corner of said Deed Book 3413, Page 1609; thence along the western property line of said Deed Book 3413, Page 1609, and the western property line of Seymour D. and Florence L. Ett as described in Deed Book 3697, Page 1677, South 35°54'35" West a distance of 358.05 feet to an existing iron pipe; thence along the southern property line of said Ett, South 54°18'36" East a distance of 252.39 feet to an existing iron pipe marking the southwest corner of Maurice J. and Jacqueline J. Kpeglo, as described in Deed Book 3500, Page 1410; thence along the southern property line of said Kpeglo, and the southern property line of James D. and Carolyn Whitner, as described in Deed Book 3500, page 1410, South 82°41'39" East a distance of 393.19 feet to an existing iron pipe marking the most southern corner of said Whitner; thence continuing North 70°53'26" East a distance of 131.67 feet to an existing iron pipe marking the northwest corner of Jacqueline C. McMillan as described in Deed Book 3827, Page 2125; thence along the western property line of said McMillan, South 09°31'55" East a distance of 88.20 feet to an existing iron pipe marking the northwest corner of Walter E. and Paula J. Johnson as described in Deed Book 4489, Page 534; thence along the western property line of said Johnson, South 05°01'45" West a distance of 150.65 feet to an existing iron pipe marking the southwest corner of said Johnson, said point also being a point on the northern right-of-way line of Kilpatrick White Road; thence continuing across Kilpatrick White Road South 12°37'30" West a distance of 50.68 feet to an existing iron pipe marking a point on the southern right-of-way line of Kilpatrick White Road, said point also being the northwest corner of Curtis L. and Sandra J. Strayhorn as described in Deed Book 4567, Page 1851; thence along the western property line of said Strayhorn South 05°56'00" West a

distance of 203.95 feet to an existing iron pipe marking a point on the northern property line of Nancy S. Neese as described in Deed Book 1163, page 617; thence along the northern property line of said Neese the following two (2) courses;

- 1) North 83°15'56" West a distance of 1556.65 feet to an existing iron pipe
- 2) South 04°39'32" West a distance of 10.77 feet to an existing iron pipe on the western property line of said Neese;

Thence continuing along the western property lines of said Neese, the western line of M.W. and Pauline S. Hovis as described in Deed Book 1995, Page 9 and the western property line of Lowell D. and Betty J. Watts as described in Deed Book 2911, Page 706, South 47°43'32" West a distance of 1020.62 feet to an existing iron pipe located on the northern right-of-way line of U.S. Highway 421 (S.R. #1005); Thence along the northern right-of-way line of U.S. Highway 421 the following three (3) courses:

- 1) North 42°27'48" West a distance of 300.84 feet;
- 2) North 42°09'38" West a distance of 100.05 feet;
- 3) North 41°58'58" West a distance of 220.07 feet;

to an existing iron pipe on the northern right-of-way line of said U.S. Highway 421; said point also being the southeast corner of Frances L. Coble as described in Deed Book 3318, Page 17; thence along the eastern property line of said Coble, North 34°03'47" East a distance of 175.00 feet to an existing iron pipe marking the southeast corner of Rodney H. Fender as described in Deed Book 4169, Page 784; thence along the eastern property line of said Fender, North 34°03'47" East a distance of 235.66 feet to an existing iron pipe marking a point on the southern property line of Norman B. Boyles as described in Deed Book 2654, Page 594; thence along the southern property line of said Boyles, and the southern property line of Thaddeus J. Sr. and Geraldine K. Warren as described in Deed Book 4192, Page 2048, and the southern property line of Lot #27 of said Greenfield Subdivision, the following two (2) courses;

- 1) South 84°22'10" East a distance of 52.74 feet;
- 2) South 84°23'55" East a distance of 444.40 feet;

to an existing stone marking the southeast corner of said Lot #27; thence along the eastern property line of said Greenfield Subdivision, North 05°09'03" East a distance of 1627.17 feet to the point of beginning, containing 69.023 Acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after September 30, 1999, the liability for municipal taxes for the 1999-2000 fiscal year shall be prorated on the basis of 9/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 1999. Municipal ad valorem taxes for the 2000-2001 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after September 30, 1999.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That July 6, 1999, at 6:00 p.m. be fixed as the time and the Council Chambers in the Melvin Municipal Office Building as the place for the public hearing on the proposed annexation of territory to the City of Greensboro as above set out and that this resolution be published in a newspaper published in the City of Greensboro not later than June 24, 1999.

(Signed ) Earl Jones

.....

A motion was unanimously adopted to make a part of the minutes a report of budget adjustments covering the period of May 11, 1999 through June 4, 1999. (A copy of the report is filed in Exhibit Drawer M., Exhibit #1, which is hereby referred to and made a part of these minutes.)

.....

A motion was unanimously adopted to approve the minutes of the regular City Council meetings of May 18, 1999 and June 1, 1999.

.....

A motion was unanimously adopted to approve minutes of closed session meetings of December 22, 1998, February 2, 1999, and April 6, 1999.

.....

The Mayor introduced an ordinance amending Chapter 29 of the Greensboro Code of Ordinances with respect to Water, Sewer and Waste Disposal.

Assistant City Manager, William Harrell commented on the ordinance, its objectives and expected benefits to citizens. Council expressed appreciation to staff for their fine work.

Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-95

#### AMENDING CHAPTER 29

#### AN ORDINANCE AMENDING CHAPTER 29 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER, SEWER, AND WASTE DISPOSAL

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 29-3 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (a) to read as follows:

- (a) The city council shall determine which street or portions of streets inside the city shall be provided with water or sewer mains and what size the mains shall be. The council shall likewise determine the amount of construction cost to be borne by the abutting property owners and the amount to be borne by the city. The council shall determine when water or sewer laterals are to be paid as a part of the

water and sewer improvement and shall determine whether the laterals terminate at the curbline or at the property line.

Section 2. That Section 29-3 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (b) to read as follows:

- (b) The assessment formula for water and sewer improvements shall be set at a rate that recovers 80% of the construction cost. The construction cost would be based on the prior three years average of the construction costs of a 6-inch water line and an 8-inch sewer line. The assessment rate will be reviewed for any necessary adjustments once a year in coordination with the annual budget process.

Section 3. That Section 29-3 of the Greensboro Code of Ordinances is hereby amended by adding subsection (c) to read as follows:

- (c) The assessments shall be payable in equal installments, which installments will bear interest at a rate to be fixed in the assessment resolution not to exceed the annual rate allowed by law. Such interest shall begin from the date of confirmation of the assessment roll; provided, that any such assessment may be paid in full in cash without the addition of interest within thirty (30) days from the date of publication of the notice of the confirmation of the assessment roll. The first of the installments with interest thereon shall become due and payable thirty (30) days after the publication of the notice hereinabove required to be published, and one (1) subsequent installment with interest thereon shall be due and payable on the same day of the month until the assessments have been paid in full.

Section 4. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. That this Ordinance shall become effective immediately upon adoption.

(Signed) Earl Jones

.....

The Mayor introduced an ordinance amending Chapter 26 of the Greensboro Code of Ordinances with respect to Streets and Sidewalks. Following brief discussion with Council, the Manager informed Council that staff would develop a clear policy for sidewalks in upcoming bond issues.

Councilmember Jones moved adoption of the ordinance. The motion was seconded by Councilmember Carmany; the ordinance was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, Mincello, Perkins and Vaughan. Noes: None.

99-97

#### AMENDING CHAPTER 26

#### AN ORDINANCE AMENDING CHAPTER 26 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STREETS AND SIDEWALKS

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Section 26-2 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (c) as follows:

- (c) The assessment formula for streets shall be set at a rate that recovers 50% of the construction cost. The construction cost would be based on the prior three years average of the construction costs of a 30-foot residential street. The assessment rate will be reviewed for any necessary adjustments once a year in coordination with the annual budget process.



Section 2. That Section 26.2 of the Greensboro Code of Ordinances is hereby amended by rewriting subsection (e) as follows:

- (e) The assessments shall be payable in equal installments, which installments will bear interest at a rate to be fixed in the assessment resolution not to exceed the annual rate allowed by law. Such interest shall begin from the date of confirmation of the assessment roll; provided, that any such assessment may be paid in full in cash without the addition of interest within thirty (30) days from the date of publication of the notice of the confirmation of the assessment roll. The first of the installments with interest thereon shall become due and payable thirty (30) days after the publication of the notice hereinabove required to be published, and one (1) subsequent installment with interest thereon shall be due and payable on the same day of the month until the assessments have been paid in full.

Section 3. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. That this Ordinance shall become effective immediately upon adoption.

(Signed) Earl Jones

.....

The Mayor introduced an ordinance amending Chapter 27 of the Greensboro Code of Ordinances with respect to Storm Water Management.

Councilmember Johnson moved adoption of the ordinance. The motion was seconded by Councilmember Vaughan; the ordinance was adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

#### AMENDING CHAPTER 27

#### AN ORDINANCE AMENDING CHAPTER 27 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO STORM WATER MANAGEMENT

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Chapter 27 of the Greensboro Code of Ordinances is hereby amended by adding a new section following Section 27-9 to read as follows:

##### Section 27.10 Assessments

- (d) Property owners of single family homes, townhouses and condominium properties can request that city council approve a resolution that allows storm water improvement costs to be assessed against the property as a lien.
- (e) The city council shall determine which storm water improvements inside the city shall be provided and the type of solution, either piping or non-piping, for the improvement. The council shall likewise determine the amount of construction cost to be borne by the abutting property owners and the amount to be borne by the city.
- (f) The assessment formula for storm water improvements using a piping solution shall be set at a rate that recovers 100% of the construction cost, including engineering, labor and materials of a 15-inch storm water pipe or a rate not to exceed 50% of the total project cost, whichever is less. The assessment formula for storm water improvements using a non-piping solution shall be set at a rate of

10% of the cost, including engineering, labor and materials. The assessment rate will be reviewed for any necessary adjustments once a year in coordination with the annual budget process.

- (g) The assessments shall be payable in equal installments, which installments will bear interest at a rate to be fixed in the assessment resolution not to exceed the annual rate allowed by law. Such interest shall begin from the date of confirmation of the assessment roll; provided, that any such assessment may be paid in full in cash without the addition of interest within thirty (30) days from the date of publication of the notice of the confirmation of the assessment roll. The first of the installments with interest thereon shall become due and payable thirty (30) days after the publication of the notice hereinabove required to be published, and one (1) subsequent installment with interest thereon shall be due and payable on the same day of the month until the assessments have been paid in full.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Yvonne Johnson

.....

Mayor Allen introduced an ordinance amending Chapter 29A of the Greensboro Code of Ordinances with respect to Emergency Water Conservation and Restriction Plan.

Allan Williams, Water Resources Director, spoke to the issues the ordinance addressed; gave an update on lake levels and water storage and distribution systems; explained the relationship of supply to distribution systems; and reviewed various solutions including recent water supply acquisitions and the Randleman Dam project and the Water Wise conservation campaign. He advised that steps were taken recently to cut water usage for City operations.

Following brief discussion with Council, Mr. Williams reviewed the City's existing Water Conservation and Restriction ordinance; recent actions requesting the public to voluntarily refrain from using sprinklers due to excessive demands on the supply and the inability to operate delivery systems at required capacity when over use of the system occurred. Mr. Williams explained that this issue was not directly related to restrictions based on lake levels

Mr. Williams spoke to the proposed amendments to the above mentioned ordinance noting changes respective to restrictions on sprinkler use in stages 2A and 2B and the impact this would have on citizens. He stated that additionally, under the proposed amendments, the City Manager would be authorized at any time in stage 1 and 2 to impose a ban on the use of sprinklers; this being necessary to control large amounts of water use to insure the operation of the water distribution system. Council discussed with staff related enforcement and penalties for violations of the proposed amendments and possible future revisions to the ordinance.

The City Manager stated that the media had played an important role in communicating recent voluntary water conservation requests and that he was confident their cooperative effort would be successful in keeping the public informed on water issues. He encouraged all concerned persons to contact state authorities and urge them to support and expedite the Randleman Dam. Mr. Williams thanked citizens for their conservation efforts and stressed the importance of continuing conservation as a way of life.

Councilmember (Mincello) Vaughan moved that the title of Stage 1 be amended from "Stage 1 Water Conservation Alert" to "Stage 1 Water Restriction Alert". The motion was seconded by Councilmember Johnson and unanimously adopted by voice vote of the City Council.

Councilmember (Mincello) Vaughan moved the adoption of the ordinance as amended. The motion was seconded by Councilmember Perkins. The amended ordinance was adopted on the following roll call vote: Ayes:

Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

99-98

## AMENDING CHAPTER 29A

### AN ORDINANCE AMENDING CHAPTER 29A OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO EMERGENCY WATER CONSERVATION AND RESTRICTION PLAN

Be it ordained by the City Council of the City of Greensboro:

Section 1. That Chapter 29-A of the Greensboro Code of Ordinances is hereby amended as follows:

#### Sec. 29A-1. Declaration.

Whenever the water supply of the City of Greensboro's public water system is low and declining due to conditions which may adversely affect the continued availability of water for human consumption, sanitation, health and fire protection, it may become necessary to declare a water shortage and implement conservation requirements under the standards set forth below.

#### Sec. 29A-2. Definitions.

For the purpose of this Ordinance, the following terms, words, and phrases and their derivations shall have the meaning given herein. The word "shall" is always mandatory and not merely directory.

- (1) "City" is the City of Greensboro.
- (2) "Person" is any person, firm, partnership, association, corporation, company, limited liability company, professional association, or organization of any kind. The term "person" shall also include customers.
- (3) "Water" is raw or treated water from the City public water supply system.
- (4) "Customer" is a person in whose name a water connection is made and to whom a bill is issued, whether such connection is inside or outside the corporate limits of the City.

#### Sec. 29A-3. General.

A water shortage shall be declared to exist when the reserve supply available to the City of Greensboro will have reached the point where the citizens cannot be supplied with water to protect their health and safety without substantially curtailing the water demand. A water shortage shall also be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect public safety and health without substantially curtailing water demand.

#### Sec. 29A-4 Notice to General Public of Water Shortage.

- (a) In the event of a water shortage of any of the degrees of severity hereinafter set forth in the City water supply threatening the health and safety of the citizens, as determined by the Director of Water Resources, the City Manager of the City of Greensboro is authorized and empowered, after communication to the Mayor and City Council, to give notice to the general public of the existence of such state and the severity thereof. In order to protect the health and safety of the people supplied water by the City of Greensboro, the City Manager may place in effect the restrictive provisions hereinafter authorized. Notice shall be given by public press announcement and by signing an executive order. The order shall become effective twenty-four (24) hours following the press announcement and the signing of the order.

- (b) Once a Stage of water restriction is declared, the Water Resources Director shall review the number of day's supply of water available to the City system at least every seven days. A declared stage shall remain in effect for a minimum of 30 days; provided however, that if conditions as listed in Section 29A-5(a) warrant, a more restrictive level may be enacted immediately. At the end of thirty (30) days, and following the periodic review, the Water Resources Director shall notify the City Manager if the number of days' water supply exceeds the upper threshold of the effective Stage by more than seven (7) days. In such event, the City Manager shall declare the appropriate Stage to be in effect.
- (c) In addition to the other powers contained in this Ordinance, the City Manager, when notified by the Director of Water Resources that there is a serious and immediate threat to the City water system because of reduced water quality, treatment capacity, treated supply recovery time, or other imminent condition, may temporarily impose restrictions on automated and manual sprinkling. Such restrictions may include, among others, limitations on methods of sprinkling, the hours and days, and whether such sprinkling may occur at all. In such event the Notice provisions contained in Sec. 29A-4(a) shall apply and the enforcement provisions of Secs. 29A-7 through 29A-11 shall be applicable. The City Manager, or City Council, may terminate, by written Notice, such restrictions when the threat has abated. Any violation of this sub-section by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec. 29A-5 Compliance Required in the Event of a Water Shortage.

- (a) In the event the City Defined Manager issues the notice described in section 29A-4, it shall be unlawful for any person to use or permit the use of water from the water system of the City for any of the purposes hereinafter set forth until such time as this Article is amended or repealed, or until the City Manager has declared such provisions no longer in effect. In exercising this authority, considerations shall be given to the following criteria: water levels in the reservoirs, capabilities of the water production and distribution system, drawdown rates, outlook for precipitation, daily water use patterns, seasonal and long-term weather patterns, and availability of water from other sources.
- (b) Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed on residential and non-residential water customers as may be applicable to each individual institution to the extent compliance will not endanger the health of the patients or residents of the institution.
- (c) Each hospital, nursing home or health care facility shall survey its water usage patterns and requirements and implement such additional conservation measures as may be possible without endangering the health of its patients or residents to achieve a further reduction in the institution's water usage.
- (d) The following shall apply at all times to the outdoor sprinkling of lawns, shrubbery, trees, flowers, gardens, and other outside irrigation systems.
  - (i) By June 1, 2000, all sprinkler systems equipped with a timer, shall be equipped with rain sensors as approved by the City Water Resources Department. Rain sensors shall be activated to prevent the system from operating while rain is falling.
  - (ii) It shall be unlawful to operate any sprinkler system during times of rain or to operate a sprinkler, at any time, so as to disperse water on an impervious surface.
  - (iii) Any violation of sub-sections 29A-5(d)(i) and (ii) by a residential user shall be treated as a Stage IIB violation for the purpose of imposing civil penalties.

Sec 29A-6 Restrictions Applicable to Various Levels of Lake Brandt and Lake Townsend.

The severity of the water shortages shall be determined primarily by the levels of Lakes Brandt and Townsend in light of the criteria set out in Paragraph 29A-5(a). The restrictive measures in effect at each stage are as follows:

- (a) Stage I Water Restriction Alert. In the event water levels of Lakes Brandt and Townsend do not conform to seasonal expectations as determined by the Water Resources Director using the criteria set out in Paragraph 29A-5(a), or daily water demand is approaching ninety five percent (95%) of system capacity, the Director shall notify the City Manager in writing. Upon such notification the City Manager shall declare a Stage I Water Conservation Alert. After complying with those Notice provisions contained in Sec.29A-4, the following voluntary water restrictions shall be requested.
  - (1) Voluntary, commercial, manufacturing, institutional and residential conservation measures will be strongly encouraged and recommended including the following:
    - a. Inspect and repair all faulty and defective parts of faucets and toilets.
    - b. Use shower for bathing rather than bathtub and limit shower to no more than five (5) minutes.
    - c. Do not leave faucets running while shaving, rinsing dishes, or brushing teeth.
    - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
    - e. Limit lawn watering to that necessary for plant survival.
    - f. Water shrubbery the minimum required, reusing household water when possible.
    - g. Limit vehicle washing.
    - h. Do not wash down outside areas such as sidewalks, patios, driveways, etc.
    - i. Install water flow restrictions in showerheads and other water saving devices.
    - j. Use disposable and biodegradable dishes where possible.
    - k. Install water saving devices in toilets such as early closing flapper valves.
    - l. Limit hours of water-cooled air conditioners.
    - m. Do not fill swimming or wading pools.
  - (2) Water supply line pressure should be reduced where feasible to reduce water consumption if it will not affect the operation of fixtures, equipment, public safety, or health, devices.
  - (3) Conservation in public buildings, institutions, dormitories, and similar facilities is encouraged by reducing pressure at plumbing fixtures and by installation of restricting devices.
  - (4) Water conservation should be followed during all phases of construction related activities. Where appropriate, water needed should be obtained from supplemental sources.
- (b) Stage IIA Water Shortage Level I Warning. In the event the previous voluntary restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Section 29A-5(a), determines that there are no more than one hundred fifty (150) days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification, the City Manager shall declare a Stage IIA Water Level I Warning to exist. After complying with those Notice provisions contained in Sec. 29-4(a), the following mandatory water restrictions shall be imposed. It shall be unlawful:

- (1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except by hand held hose, container, or drip irrigation system; provided, however, that such plantings may be watered by any customer by manual or automated sprinkling one (1) day a week. Customers are allowed to do such sprinkling on the day of their City garbage pickup. Customers who do not have City garbage service, or who have multiple pickups during the week, shall be permitted to sprinkle on Wednesdays only. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water, by any method at any time, for irrigation of their commercial stock in trade.
  - (2) Other restrictions contained in Stage I shall remain voluntary.
- (c) Stage IIB Water Shortage Level II Warning. In the event the previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Section 29A-5(a), determines that there are no more than one hundred twenty-five (125) days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification, the City Manager shall declare a Stage II Water Shortage Level II Warning to exist. After complying with those Notice provisions contained in Sec. 29-4, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
- (1) Water or sprinkle any lawn, vegetable garden, grass, shrubbery, trees, or flowers except by a hand held hose, container, or drip irrigation system. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.
  - (2) Operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
  - (3) Wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment; except that parts of vehicles may be washed where required by federal, state, or local laws or for or safety reasons. Provided, however, that any commercial or business operated car wash facility shall be permitted to use water for such purposes.
  - (4) Wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for similar purposes; provided, however, hand washing of exterior surfaces of a building for the purpose of preparing them for painting shall be permitted. Provided further, licensed commercial pressure washers shall be permitted to operate.
  - (5) Operate or introduce water into any ornamental fountain, pool, or pond or other structure making similar use of water.
  - (6) Serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
  - (7) Use water from any public or private fire hydrants for any purpose other than fire suppression or other public emergency or Water Resources Department need.
  - (8) Use water for dust control or compaction.

- (9) Use water for any unnecessary purpose or intentionally waste water.

The owner or occupant of any land or building who receives water from the City and also uses water from a well or other supply shall post a sign thereon, in a conspicuous place, furnished at no cost by the City of Greensboro Water Resources Department giving notice of the use of well or other sources of supply.

All industrial, manufacturing, and commercial enterprises, and all customers with swimming and wading pools and tennis courts, shall reduce consumption to any degree feasible with a goal of a reduction of at least 25% of their usual usage.

- (d) Stage III Water Shortage Danger. In the event the previous (voluntary and mandatory) restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Section 29A-5(a), determines that there are not more than one hundred (100) days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification, the City Manager shall declare a Stage III Water Shortage Danger to exist. After complying with those Notice provisions contained in Sec. 29-4, the following mandatory water restrictions, in addition to those imposed in Stages IIA and IIB, shall be imposed. It shall be unlawful to:

- (1) Water or sprinkle any lawn, grass, shrubbery, trees, or flowers except from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure, except that newly planted shrubbery, trees or flowers may be watered by hand-held hose. Provided, however, that a person regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade. State, County, and City licensed landscape contractors may continue to water plantings which are under written warranty by hand-held hose, container or drip irrigation.
- (2) Water any vegetable garden except by hand held hose, container, or drip irrigation system.
- (3) Fill or refill any single family swimming or wading pool or water any tennis court if a residential customer.
- (4) Make any nonessential use of water for commercial or public use.
- (5) Exceed the following water usage mandate: Commercial and multi-family swimming pool customers shall reduce water usage by twenty-five percent (25%) of their average usage during the corresponding billing period for the most recent twelve (12) month period, ending June 30, in which no Stage of this Ordinance was in effect. If no meter readings are recorded or otherwise available for a customer's billing period, an average of similar users will be established for the customer by the Water Resources Department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all other such users.
  - (a) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
  - (b) Each customer shall provide access to City personnel for the purposes of meter reading and monitoring of compliance with this Ordinance.
  - (c) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Water Resources Director, or his designee, for a variance to the mandate. Any appeal of this

administrative decision shall be to the Superior Court as provided by law.

- (d) Any customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
  - (i) "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate.
  - (ii) Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
  - (iii) Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.

All industrial, manufacturing, and commercial enterprises shall reduce consumption to any degree feasible with a goal of a reduction of at least fifty percent (50%) of their average usage as compared with their usage during the corresponding billing period for the most recent twelve (12) month period ending June 30, in which no stage of this ordinance was in effect; provided, this goal shall not apply to those customers who wash parts of vehicles where such washing is required by Federal, state, or local laws, or for health or safety reasons.

- (e) Stage IV Water Shortage Emergency. In the event previous restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Sec. 29A-5(a), determines that there are no more than seventy five days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification, the City Manager shall declare a Stage IV Water Shortage Emergency to exist. Upon such declaration, the City shall be deemed to be in a state of emergency with respect to its water supply and residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty-five percent (25%) of their average usage. After complying with those Notice provisions contained in Sec. 29A-4, in addition to the restrictions heretofore imposed in Stages IIB and III, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
  - (1) Use water outside a structure for any use other than emergencies involving fire or as needed by the Water Resources Department to maintain the system, except that flowers, plants, and shrubs may be watered from a watering can or other container not exceeding three (3) gallons in capacity with used wash water from inside a structure.
  - (2) Operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
  - (3) Wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided in subsection (4) hereof; and provided that parts of vehicles may be washed where required by Federal, state, or local laws for health reasons.
  - (4) Exceed the following water usage mandate: All non-residential customers shall reduce their water usage by twenty-five percent (25%) except commercial and business operated



car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty percent (50%), of their average usage during the corresponding billing period for the most recent twelve (12) month period, ending June 30, in which no Stage of this Ordinance was in effect. If no meter readings are recorded or otherwise available for a customer's billing period, an average of similar users will be established for the customer by the Water Resources Department. Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all other such users.

- (a) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
- (b) Each customer shall provide access to City personnel for the purposes of meter reading and monitoring of compliance with this Ordinance.
- (c) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Water Resources Director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.
- (d) Any such customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
  - (i) "Excess-use water rates" will be collected based on the amount by which a customer's use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at five (5) times the normal rate; except that commercial and business operated car washes and non-single family swimming and wading pool and tennis court users shall be computed at ten (10) times the normal rate for excess use.
  - (ii) Any monies collected through excess-use water rates shall be placed in a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.
  - (iii) Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (5) Make any water service connections except as herein provided. Connections to the City water system shall be allowed, but not required, in the following cases if all other requirements of law pertaining to such connections have been met:
  - (a) Lots, upon which construction has been authorized pursuant to a valid building permit issued prior to the effective date of the Stage IV Water Shortage Emergency; provided, that this exemption shall apply for only so long as such building permit remains in effect.
  - (b) Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public

service companies regulated as public utilities under the laws of the State of North Carolina.

- (f) Stage V Water Shortage Crisis. In the event previous voluntary and mandatory restrictions are not sufficient to eliminate reductions in water supply reserves and the Water Resources Director, using those criteria set out in Sec. 29A-5(a), determines that there are no more than fifty (50), days' supply of water available to the City water system, the Water Resources Director shall so notify the City Manager in writing. Upon such notification the City Manager shall declare a Stage V Water Shortage Crisis to exist and residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty percent (40%) of their average usage. After complying with those Notice provisions contained in Section 29A-4, in addition to the restrictions heretofore imposed under Stages IIB, III and IV, the following mandatory water restrictions shall be imposed. It shall be unlawful to:
- (1) Serve food or beverages in restaurants, cafeterias and other commercial food establishments to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths.
  - (2) Wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by Federal, state, or local laws, or for health or safety.
  - (3) Exceed the following water usage mandate. All non-residential customers shall reduce their water usage by fifty percent (50%) of their average usage during the corresponding billing period for the most recent 12-month period, ending June 30, in which no Stage of this Ordinance was in effect; except that water may not be used to fill or top off any swimming or wading pool. If no meter readings are recorded or otherwise available for a customer's billing period an average of similar users will be established for the customer by the Water Resources Department.
    - (a) It is the primary responsibility of each non-residential customer to meet its mandated water use reduction in whatever manner possible, including limitation of operating hours or days if necessary.
    - (b) Each customer shall provide access to City personnel for the purpose of reading and monitoring of compliance with this Ordinance.
    - (c) If the mandated reduction in water usage cannot be obtained without threatening health or safety, or if there has been a significant change in the customer's circumstances, the customer may apply to the Water Resources Director, or his designee, for a variance to the mandate. Any appeal of this administrative decision shall be to the Superior Court as provided by law.
    - (d) Any water customer who exceeds the allotments established pursuant to this water rationing will be subject to the following excess-use water rates.
      - (i) "Excess-use water rates" will be collected based on the amount by which a customer's monthly use exceeds the water allotments established pursuant to the local water rationing declaration computed on the basis that all water used in excess of the allotment shall be at ten (10) times the normal rate.
      - (ii) Any monies collected through excess-use water rates shall be placed in

a reserve account that is dedicated to addressing water shortage problems and water conservation initiatives.

- (iii) Failure of the customer to remit the periodic amount billed within the allotted time may result in termination of water service to the customer pursuant to the water and sewer regulations.
- (4) Make any new service connections to the City water system except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals and emergency medical services, and facilities of public service companies regulated as public utilities under the laws of the State of North Carolina.

Sec. 29A-7 Compliance.

Compliance with the provisions of this Chapter shall be enforced by personnel of the Water Resources Department, the Greensboro Police Department, and other such personnel as designated by the City Manager. Failure to comply with any of the regulations of this Chapter shall be unlawful and a violation of the Ordinance and all remedies authorized by law for noncompliance with the Ordinance, including the issuance of a civil penalty citation or action for injunctive relief, may be exercised to enforce its provisions. It shall be unlawful to fail to act in accordance therewith or to use water in any manner or attempt to evade or avoid such water restrictions.

Sec. 29A-8 Enforcement and Civil Penalty.

- (a) Residential Users. Any residential user who shall violate any provision of this Chapter shall be subject to civil penalties. Civil penalties for a violation of Stage IIA, IIB and III mandatory restrictions shall be as follows: a warning for the first offense; a civil penalty in the amount of \$100.00 for the second offense; a civil penalty in the amount of \$200.00 for the third and successive offenses. In Stages IV or V, there shall be no warnings given for violations by residential users of the mandatory restrictions of these Stages and the penalties shall be \$100.00 for the first offense, \$200.00 for the second offense and successive offenses.
- (b) Non-Residential Users. Any non-residential customer, who violates any provision of this Chapter, shall be subject to a civil penalty except as provided in Section (d) below. Civil penalties for a violation of any mandatory restriction of any Stage of this Ordinance shall be as follows: a civil penalty of \$200.00 for the first violation; a civil penalty of \$500.00 for the second violation; and a civil penalty of \$1,000.00 for the third and successive offenses.
- (c) Cumulation of Violations. Violations shall be accumulated by all customers so long as this Ordinance, in any of its Stages, is continuously in effect and until no Stage of this Ordinance has been in effect for a period of one calendar year. Violations of any of the mandatory restrictions of any Stage shall accumulate with violations of other Stages. Should a customer move, or cease and renew service, during the period described herein, the customer's violations shall continue to accumulate as if such move or cessation had not occurred.
- (d) Civil Penalties for Excessive Water Use. Excessive use water rates imposed upon users by Stages III, IV and V shall constitute the sole monetary penalty for such excessive use. Other violations by such users shall be subject to the civil penalties set out herein. Other enforcement procedures shall apply to such users for excessive use and other violations.

Sec. 29A-9 Criminal Fines.

Upon a fourth violation of this Ordinance a criminal warrant shall be issued to the offending person. Any violations of the provisions of this Chapter shall constitute a Class 3 misdemeanor punishable upon conviction by a term of imprisonment up to twenty (20) days and by a fine not exceeding a maximum of Five Hundred Dollars (\$500.00) as provided by General Statute Section 14-4 and in addition thereto such violation may be enjoined and restrained as provided in General Statute Section 160A-175. The issuing of a criminal warrant shall not prohibit the imposition of further civil penalties.

Sec. 29A-10 Discontinuance of Service.

The Water Resources Director shall have the authority to discontinue, or restrict, water service to any person or structure in the event of a violation of the provisions of this Chapter during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period. Prior to such termination, or restriction, of water supply, the Director shall give at least two (2) working days written notice of intent to terminate or restrict. Within the said two days, the person, upon petition to the City Manager, or his designee, may be heard as to why such termination should not be enforced. No notice shall be required to discontinue, or turn off, outside water service which is provided solely for lawn and shrubbery sprinkler systems, swimming pools, or other non-essential uses. When a water service has been discontinued, or turned off, it shall be unlawful to reactivate such service without the permission of the Director of Water Resources during a Stage IIA, Stage IIB, Stage III, Stage IV or Stage V water shortage period.

Sec. 29A-11 Continuing and Separate Violations.

Each day's continuing violation of this Chapter shall be a separate and distinct criminal and civil offense. Each violation of the Ordinance shall be a separate offense even if occurring on the same day.

Sec. 29A-12 Severance Provision.

If any section, subdivision, clause, or provision of this Chapter shall be judged invalid, such adjudication shall apply only to such section, subdivision, clause, or provision so adjudged, and the remainder of this Chapter shall be declared valid and effective.

Sec. 29A-13 Application of Chapter.

The provisions of this Ordinance shall apply to all such persons using public water both in and outside the City, regardless of whether any such person using water shall have a contract for water service with the City.

Sec. 29A-14 Termination of Declared Emergency.

Termination of any Phase of the emergency provisions of this Chapter shall be determined by the City Manager when he finds that the water supply of the City water system is no longer so low as to constitute a water emergency.

Upon termination of any emergency declared under this ordinance, all fines or penalties incurred by any person or customer shall remain in effect until paid. Upon such termination discontinued users may have their service restored upon payment of the regular cut-on fees except for those users cut off without notice.

Sec. 29A-15 Repeal of Prior Ordinances.

All Ordinances and clauses of Ordinances in conflict herewith are stayed while any Stage of this Ordinance is in effect. Such conflicting Ordinances and clauses shall become effective upon termination of such Stages.

Section 2. That all laws and clauses of laws in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. That this Ordinance shall become effective immediately upon adoption.

(Signed) Nancy (Mincello)Vaughan

.....

The Mayor introduced a resolution approving appraisal and authorizing purchase in the amount of \$30,000 of property of Vivian B. Marshall for future parkland project. The Manager commented that the source of funds for this item was budgeted with Parks and Recreation on an ongoing basis.

Councilmember Jones moved the adoption of the ordinance. The motion was seconded by Councilmember Perkins and adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

**102-99 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING THE PURCHASE OF PROPERTY OF VIVIAN B. MARSHALL FOR FUTURE PARKLAND PROJECT**

WHEREAS, in connection with the future parkland project, the property owned by Vivian B. Marshall along Rankin Mill Road at Tax Map No. G-189-436-42 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the owner has agreed to sell the property to the City for \$30,000.00 which amount is more than the appraised value of \$27,000.00 but is thought to be a reasonable alternative to condemnation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the purchase of the above mentioned property in the amount of \$30,000.00 is hereby approved and authorized, with payment to be made from Account No. 410-5022-21.6011 CBR 001.

(Signed) Earl Jones

.....

The Mayor introduced an ordinance amending General Capital Projects Fund Budget for Lindley Park Improvements Project.

Larry Davis, Interim Director of the Budget and Evaluation Department spoke briefly to three phases of improvement for Lindley Park.

Councilmember Johnson moved the ordinance. The motion was seconded by Councilmember Carmany and adopted on the following roll call vote: Ayes: Allen, Carmany, Holliday, Johnson, Jones, (Mincello) Vaughan, Perkins and Vaughan. Noes: None.

**99-99 ORDINANCE AMENDING GENERAL CAPITAL PROJECTS FUND BUDGET FOR LINDLEY PARK IMPROVEMENTS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the FY 98-99 Budget of the City of Greensboro is hereby amended as follows:

That the appropriation for the General Capital Projects Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
410-5022-99.6019	Capital Improvements-Other	\$72,500

and, that this increase be financed by increasing the following account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
410-5022-99.9101	Transfer from General Fund	\$72,500

(Signed) Yvonne Johnson

.....

Councilmember Vaughan left the Chamber at 8:28 p.m.

.....

Jeff Belton, residing at 607 Park Terrace and Chairman for the Lindley Park Neighborhood Association, expressed appreciation to Council, Parks and Recreation Department and Planning Department staff for their support. Councilmember Carmany stated that the Association was searching for photos of the original Lindley Park gate with lights for historic restoration purposes.

Anne Slaughter, residing at 713 Morehead Street #3, requested Council to recognize and support a traveling art show commemorating Nascar's 50<sup>th</sup> Anniversary. She spoke to Nascar's role in North Carolina culture, upcoming events and local community organizations to receive benefits from the many related events.

The Council concurred that they would offer a resolution in support of the art show commemorating Nascar's 50<sup>th</sup> Anniversary.

.....

Councilmember Johnson spoke to the recent installation of a tree and bench at Barber Park in memory of Councilman Jimmy Barber and expressed deep sympathy to the Brisbon Family on the death of Ervin Brisbon. She encouraged the City and County to take on the challenge to help Project Homestead build homes in the near future. The Manager stated that City employees had been made aware of this opportunity if they wished to participate.

.....

Councilmember Jones extended his sympathies to the Brisbon family and requested a resolution honoring the memory of Ervin Brisbon.

.....

Councilmember Holliday requested the City Manager schedule a review of budget surpluses from the 1998-99 fiscal year. Following brief discussion by Council, the Manager advised that this would be added to a future briefing agenda.

.....

After advising Council that because there were already two persons from District 5 serving on the Board of Adjustment; Councilmember Carmany suggested the vacancy created in District 5 be filled from another district. In response to citizens' calls from the Stanley Road area, she reminded the public that attaching posters to light poles, trees, etc. was prohibited.

.....

Councilmember (Mincello) Vaughan moved that Alyson Best be appointed to the remaining portion of the term for a new position on the Planning Board; this term will expire August 15, 1999. The motion was seconded by Councilmember Carmany and unanimously adopted by voice vote of Council.

.....

Councilmember Johnson added the name of Jack Hines to the boards and commissions data bank for possible service on the War Memorial Commission.

.....

Stating that Jimmy Black did not wish to serve another term on the Bryan Park Commission, Councilmember Perkins moved to appoint William W. Watson to the Bryan Park Commission; this term expires 1, February 2002. The motion was seconded by Councilmember Carmany and unanimously adopted on a voice vote of Council.

.....

The Council discussed concerns regarding a Southern Sanicart Systems trash can washing contract relative to water use and water disposal. The Manager advised that staff was currently reviewing the program and that additional information would be provided to Council.

.....

Councilmember Perkins mentioned recent events and trends related to downtown development and requested the City explore a major initiative regarding downtown living areas. Following brief discussion, the Manager stated that he would invite the new director of Downtown Greensboro, Inc. to address the Council at an upcoming briefing.

.....

Speaking to recent dedication of Price Park, the Mayor thanked Kay Bryan Edwards and the Kathleen Price Family Fund for their gifts that made the Piedmont Land Conservancy acquisition possible for Price Park and all who helped with this process.

The Mayor stated that the Greensboro Civic Entrepreneur Initiative funded by Pew Charitable Trust was offering a leadership training program to interested citizens during the next several weeks. She expressed her sorrow for the loss of Ervin Brisbon's civic voice.

.....

The Manager stated that because specific action was not taken by Council, clarification was needed regarding the appropriation of current fiscal year funds for agreements with the Greensboro Children's Museum in the amount of \$200,000 and for Triad Stage in the amount of \$75,000. He stated that if there were no objections from Council, the record would reflect their approval. No objections were made by Councilmembers.

.....

After the Manager spoke briefly to the request to adjourn to the June 24<sup>th</sup> meeting and the items to be considered, Councilmember Holliday moved to adjourn to meet at 5:00 p.m. on Thursday, June 24, 1999 in the Council Chambers of the Melvin Municipal Office Building to award contracts with respect to the Reidsville water line. The motion was seconded by Councilmember Johnson.

.....

The City Council adjourned at 8:16 p.m.

Carolyn S. Allen  
Mayor

Susan E. Crotts  
Deputy City Clerk

\*\*\*\*\*